

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

WILLOW SPRINGS OPERATOR, LLC,

Plaintiff,

v.

USI INSURANCE SERVICES, LLC; SEAN
HOOD; LISA OLSON; HEALTH CAP
RRG; CHELSEA-RHONE, LLC; and
HEALTH CARE INDUSTRY LIABILITY
RECIPROCAL INSURANCE COMPANY,
A RISK RETENTION GROUP,

Defendants.

Civil Action No.:

NOTICE OF REMOVAL

**TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that Defendants, USI Insurance Services, LLC, Sean Hood, and Lisa Olson (Noticing Defendants), hereby remove the above entitled action from the Superior Court of New Jersey, Law Division, Ocean County, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441, et seq. and alleges as follows:

1. An action has been commenced and is now pending in the Superior Court of New Jersey, Law Division, Ocean County, entitled Willow Springs Operator, LLC v. USI Insurance Services, LLC, et al., bearing Docket Number OCN-L-2849-18. See Plaintiff's Complaint attached hereto as Exhibit A.

2. On December 4, 2018, Defendant USI Insurance Services, LLC was served with the Complaint.

3. Based on the foregoing, Defendants USI Insurance Services, LLC, Sean Hood, and Lisa Olson have filed this Notice of Removal within thirty (30) days of receipt as required by U.S.C. § 1446(b). No further proceedings have occurred in this action.

4. The Complaint alleges, *inter alia*, that the aforementioned Defendants assisted Plaintiff in the purchase of an insurance policy without advising that the policy did not cover prior or pending claims. See Plaintiff's Complaint attached hereto as Exhibit A at ¶¶ 7 to 9. On March 28, 2017, Mr. Paul Lattarulo filed a law suit against Plaintiff in Ocean County, New Jersey. That suit sought damages arising from multiple incidents where Mr. Lattarulo fell at Plaintiff's assisted living facility and sustained "serious and debilitating personal injuries and losses." See Lattarulo Complaint attached hereto as Exhibit B. The Lattarulo complaint asserts claims of negligence, negligence *per se*, negligent supervision and hiring, violations of resident rights, violations of the Consumer Fraud Act, and liability attributable to Willow Springs Operator. Id. Lattarulo seeks compensatory and punitive damages from Defendant Willow Springs Operator. Upon receipt of the Lattarulo suit, Willow Springs contacted Health Cap RRG, which denied coverage.

5. In this suit, Willow Springs seeks damages for its full exposure in the Lattarulo suit as well as the legal fees expended to defend that suit. The controversy in this action is between Plaintiff, a limited liability company incorporated in the State of New Jersey with a principal place of business in New Jersey, and Noticing Defendants and Co-Defendants who are citizens of a foreign States, specifically:

a. USI Insurance Services, LLC, is a limited liability company organized under the laws of the State of Delaware and has its principal place of business in New

York State and is therefore a citizen of Delaware and New York for the purposes of Diversity Jurisdiction.

b. Sean Hood resides in the State of New Hampshire and is, therefore, a citizen of New Hampshire for the purposes of Diversity Jurisdiction.

c. Lisa Olson resides in the State of Massachusetts and is, therefore, a citizen of Massachusetts for the purposes of Diversity Jurisdiction.

d. Co-Defendant Health Cap RRG is a corporation organized under the laws of the District of Columbia and has its principal place of business in the State of Michigan and is, therefore, a citizen of the District of Columbia and the State of Michigan for the purposes of Diversity Jurisdiction.

e. Co-Defendant Health Care Industry Liability Reciprocal Insurance Company, A Risk Retention Group is a corporation organized under the laws of the District of Columbia and has its principal place of business in the State of Michigan and is, therefore, a citizen of the District of Columbia and the State of Michigan for the purposes of Diversity Jurisdiction.

f. Co-Defendant Chelsea-Rhone, LLC is a limited liability company organized under the laws of the State of Michigan and has its principal place of business in the State of Michigan and is, therefore, a citizen of the State of Michigan for the purposes of Diversity Jurisdiction.

g. As noted above, Plaintiff claims compensatory damages, including, but not limited to, indemnification for its exposure to the Lattarulo claims of bodily injury, , punitive damages, attorney's fees, and other fees. Accordingly, the amount in controversy exceeds the statutory jurisdictional amount of \$75,000.00.

6. The parties moving for removal consent thereto. The remaining parties, Health Cap RRG, Chelsea-Rhone, LLC and Health Care Industry Liability Reciprocal Insurance Company, a Risk Retention Group, have, to the best of noticing parties' knowledge, not been served with the Complaint.

7. There is diversity of citizenship between Plaintiffs and Defendants in this action, and the amount in controversy exceeds \$75,000.

8. This Notice is timely filed because it was filed within 30 days of December 4, 2018, the date Plaintiff's served its Complaint on USI Insurance Services, LLC.

9. By reason of the foregoing, this action is within the Court's removal jurisdiction, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332.


10. Written notice of the filing of this Notice of Removal has been served upon Plaintiff's counsel as required by law.

11. Therefore, Defendants USI Insurance Services, LLC, Sean Hood, and Lisa Olson respectfully requests that this action be removed from the New Jersey Superior Court, Ocean County, to this Court in the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1332(a)(1) and § 1441(a).

12. A true copy of this Notice of Removal has been filed with the Clerk of the Superior Court of New Jersey, Law Division, Ocean County, as required by law.

WHEREFORE, Defendants USI Insurance Services, LLC, Sean Hood, and Lisa Olson pray that this action be removed from the Superior Court of New Jersey, Law Division, Ocean County to the United States District Court for the District of New Jersey and that the United States District Court, District of New Jersey issue such orders and process as are necessary to preserve its jurisdiction over this matter.

Respectfully submitted,
WHITE AND WILLIAMS LLP
Attorneys for Defendant,
USI Insurance Services, LLC,
Sean Hood, and Lisa Olson

BY: 
Christopher P. Leise, Esq.
LibertyView | 457 Haddonfield Road,
Suite 400 |
Cherry Hill, NJ 08002-2220
Phone: 856.317.3600
Email: leisec@whiteandwilliams.com

Dated: January 2, 2019